

KARKJAIP

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

19 CR 59 (PKC)

5 NIKET JAIN,

6 Defendant.
-----x

7
8 New York, N.Y.
9 October 27, 2020
2:17 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13 APPEARANCES

14
15 AUDREY STRAUSS,
16 Acting United States Attorney for the
Southern District of New York
17 TARA La MORTE
SAMUEL RAYMOND
Assistant United States Attorneys

18 EMMET MARVIN & MARTIN LLP
19 Attorneys for Defendant
BY: PAUL TERRY WEINSTEIN
20 MORDECHAI GEISLER

KARKJAIP

1 (Case called)

2 MS. LA MORTE: Would you like us to remain seated?

3 THE COURT: Please remain seated throughout.

4 MS. LA MORTE: Okay. Thank you.

5 Assistant United States Attorney Tara La Morte, for
6 the government. And I am joined by AUSA Samuel Raymond.

7 THE COURT: Good afternoon, Ms. La Morte and
8 Mr. Raymond.

9 And for the defendant?

10 MR. WEINSTEIN: Paul Weinstein, for Niket Jain. And
11 with me is my colleague, Mordechai Geisler.

12 THE COURT: All right. And also present is Mr. Jain
13 himself?

14 MR. WEINSTEIN: Yes, he's right here.

15 THE COURT: Yes.

16 Good afternoon, Mr. Weinstein, Mr. Geisler, and
17 Mr. Jain.

18 Now, Mr. Jain, I have been advised that you wish to
19 enter a plea of guilty to Count Four of the indictment. Is
20 that correct, sir?

21 THE DEFENDANT: That is correct, your Honor.

22 THE COURT: Before I can accept a guilty plea from
23 you, I must be satisfied that you understand the rights you
24 would have if this case proceeded to trial and the rights
25 you're giving up by pleading guilty. Also, I must be satisfied

KARKJAIP

1 that you understand the consequences of pleading guilty and
2 that there's a factual basis for a plea of guilty. So, in a
3 moment, I'm going to have you placed under oath, and I'm going
4 to ask you certain questions, and inform you of certain rights.
5 If I ask you something or I tell you something, and you don't
6 quite understand, please let me know, and I will put it into
7 different words.

8 Do you understand all of that?

9 THE DEFENDANT: I do, your Honor.

10 THE COURT: All right.

11 Please raise your right hand, you may remain seated,
12 and the clerk will administer the oath.

13 (Defendant sworn)

14 THE COURT: Mr. Jain, you're now under oath, and your
15 answers to my questions are subject to the penalties of perjury
16 or of making a false statement if you do not answer truthfully.
17 Also, anything you say today may be used in any such
18 prosecution.

19 Do you understand that?

20 THE DEFENDANT: I do, your Honor.

21 THE COURT: All right.

22 How old are you, sir?

23 THE DEFENDANT: I'm 47 years old.

24 THE COURT: How far did you go in school?

25 THE DEFENDANT: I have a Master's.

KARKJAIP

1 THE COURT: In what field?

2 THE DEFENDANT: Business administration.

3 THE COURT: All right.

4 Are you now, or have you recently been, under the care
5 of a medical doctor?

6 THE DEFENDANT: For some typical common ailments, like
7 asthma and anxiety.

8 THE COURT: All right.

9 Have you taken any medications in the last 24 hours?

10 THE DEFENDANT: I have.

11 THE COURT: All right. What medications?

12 THE DEFENDANT: Asthma inhaler and an antianxiety med.

13 THE COURT: All right.

14 Do any of those medications affect the clarity of your
15 thinking?

16 THE DEFENDANT: No, they do not, your Honor.

17 THE COURT: All right.

18 Mr. Jain, you can pull the microphone slightly closer.
19 Yes, move the base, that's it.

20 Is your mind clear today?

21 THE DEFENDANT: It is, your Honor.

22 THE COURT: Do you understand what's happening?

23 THE DEFENDANT: I do.

24 THE COURT: Mr. Weinstein, any doubts as to the
25 defendant's competence to proceed?

KARKJAIP

1 MR. WEINSTEIN: No, your Honor.

2 THE COURT: All right.

3 Based upon my observations -- oh, one other question:
4 Have you ever been treated for a mental health problem?

5 THE DEFENDANT: Nothing severe. Just anxiety, I
6 guess.

7 THE COURT: Okay. All right.

8 Based upon responses to my questions and my
9 observations of demeanor, I find that the defendant is fully
10 competent to enter an informed plea.

11 Now, Mr. Jain, have you discussed the charges against
12 you, the evidence against you, any appellate rights that you
13 might have if the case proceeded to trial, the risks and
14 benefits of proceeding to trial with your attorney,
15 Mr. Weinstein?

16 THE DEFENDANT: I have.

17 THE COURT: Have you considered all of your options in
18 this case?

19 THE DEFENDANT: I have, your Honor.

20 THE COURT: Have you had enough time to consider those
21 options?

22 THE DEFENDANT: I have, your Honor.

23 THE COURT: Are you satisfied with your lawyer's
24 representation of you?

25 THE DEFENDANT: Extremely satisfied.

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1 THE COURT: All right.

2 I'm now going to explain to you the rights that you
3 would have if this case proceeded to trial and the rights
4 you're giving up by pleading guilty.

5 Under the Constitution and laws of the United States,
6 you are entitled to a speedy and public trial by an impartial
7 jury on the charges contained in the indictment. Do you
8 understand that?

9 THE DEFENDANT: I do.

10 THE COURT: At such a trial, you would not have to
11 prove that you were innocent. The government would be required
12 to prove each element of each crime by proof beyond a
13 reasonable doubt. Before a jury could find you guilty, they
14 must unanimously agree that each element of the charge has been
15 proven beyond a reasonable doubt.

16 Do you understand that?

17 THE DEFENDANT: I do.

18 THE COURT: You would be presumed innocent throughout
19 the trial until such time, if ever, that the government proved
20 your guilt beyond a reasonable doubt. Do you understand that?

21 THE DEFENDANT: I do.

22 THE COURT: At such a trial, you would be entitled to
23 be represented by a lawyer, and if you could not afford a
24 lawyer, one would be appointed at public expense. Do you
25 understand that?

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1 THE DEFENDANT: I do.

2 THE COURT: At such a trial, the witnesses for the
3 government would have to come to court to testify, you would be
4 able to see and hear them, your lawyer could question them
5 through cross-examination, your lawyer could object to evidence
6 offered by the government, your lawyer could present evidence,
7 and to ask the Court to compel witnesses to appear at trial on
8 your behalf.

9 Do you understand all of that?

10 THE DEFENDANT: I do.

11 THE COURT: If there were a trial, you would have the
12 right to testify if you chose to do so, you could come up here
13 and take the witness stand. Also, you would have the right not
14 to testify, and no one would be permitted to draw any inference
15 or suggestion of guilt from the fact that you decided not to
16 testify.

17 Do you understand all of that?

18 THE DEFENDANT: I do.

19 THE COURT: If you were found guilty at trial, you
20 would have the right to appeal that finding. Do you understand
21 that?

22 THE DEFENDANT: I do.

23 THE COURT: All right.

24 Now, there's something else I wish to inform you of,
25 Mr. Jain. On the 21st of October, last week, the President of

KARKJAIP

1 the United States signed into law the Due Process Protections
2 Act.

3 Are you familiar with this statute?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: Are you, Mr. Weinstein?

6 MR. WEINSTEIN: No, I am not.

7 THE COURT: Ms. La Morte, are you familiar with it?

8 MS. LA MORTE: Yes, your Honor.

9 THE COURT: Okay.

10 Well, under the statute, Rule 5(f) of the Federal
11 Rules of Criminal Procedure have been amended, and I am
12 obligated to remind, and I hereby remind, the government of its
13 obligations under Brady v. Maryland and its progeny to disclose
14 to the defense all information, whether admissible or not, that
15 is favorable to the defendant material to guilt or to
16 punishment and known to the government. The government must
17 make good-faith efforts to disclose such information to the
18 defense as soon as reasonably possible after its existence
19 becomes known to the government.

20 As part of these obligations, the government must
21 disclose information that can be used to impeach the trial
22 testimony of a government witness within the meaning of Giglio
23 v. United States and its progeny, and must do so sufficiently
24 in advance of trial in order for the defendant to make
25 effective use of it at trial.

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I remind you that these obligations are continuing ones and that they apply to information whether or not you credit it. I remind you that, for these purposes, the government includes any federal, state, and local prosecutors, law enforcement officers, and other officials who have participated in the investigation and prosecution in the charged offenses, whether or not such officials are part of the team, and that you, the prosecution, have an affirmative obligation to seek from these sources all information subject to disclosure.

Finally, I caution the government that if it fails to comply with this order, any number of consequences may follow: One, I may order production of the information and specify the terms and conditions of such production; two, I may grant a continuance; three, I may impose evidentiary sanctions; four, I may impose sanctions on any responsible lawyer for the government; five, I may dismiss charges before trial or vacate a conviction after trial or a guilty plea; or, six, I may enter any other order that is just under the circumstances.

Ms. La Morte, do you understand these obligations and confirm that you have fulfilled them?

MS. LA MORTE: Yes, your Honor, I do.

THE COURT: All right.

I am going to ask the clerk to hand out a copy of a written order, which I have docketed pursuant to the terms of

KARKJAIP

1 Rule 5(f).

2 Now, in this case, the defendant correctly asserted
3 that the government had something approximately five terabytes
4 of information that was known to the government, my
5 recollection, as early as October 2018, but was not disclosed
6 to the defense until February 2020, and I further understand
7 that there are some documents that may not have been disclosed
8 to the government that were assertedly covered by a privilege
9 between Individual 1 and Individual 1's attorney.

10 Well, first of all, is that an accurate statement,
11 Ms. La Morte?

12 MS. LA MORTE: Yes, your Honor.

13 THE COURT: And you agree, Mr. Raymond?

14 MR. RAYMOND: Yes, your Honor.

15 THE COURT: And you also agree, Mr. Raymond, that you
16 understand the obligations under Brady and Giglio and its
17 progeny?

18 MR. RAYMOND: Yes, your Honor.

19 THE COURT: Okay.

20 First of all, Mr. Jain, knowing that there is material
21 that has not yet been produced, the privileged material, do you
22 still wish to enter a plea of guilty in this case?

23 THE DEFENDANT: I do, your Honor.

24 THE COURT: Do you understand that that information
25 may be information that I might have ruled was not privileged

KARKJAIP

1 or I might have ruled the Constitution, and Brady, and Giglio
2 required to be produced to you whether or not it was
3 privileged?

4 Do you understand that?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: You understand that by pleading guilty,
7 you're giving up that right?

8 THE DEFENDANT: I do, your Honor.

9 THE COURT: Do you understand that by pleading guilty,
10 you're giving up all of the pretrial challenges that you have
11 made to the indictment, to the manner in which discovery
12 materials were produced to you, the manner in which you assert
13 that you were deprived the right to select counsel of your
14 choice, the assertion that your due process rights were
15 violated, and that your speedy trial rights were violated, as
16 well as any other argument that you have or could have been
17 made in this case?

18 Do you realize you're giving those rights up by
19 pleading guilty?

20 THE DEFENDANT: I do, your Honor.

21 THE COURT: Do you understand that if you plead
22 guilty, you may neither appeal on any of those bases --

23 THE DEFENDANT: I do.

24 THE COURT: -- nor attack the conviction on any of
25 those bases? Do you understand all of that?

KARKJAIP

1 THE DEFENDANT: I'm aware, your Honor.

2 THE COURT: Now, is this something you've discussed
3 with Mr. Weinstein?

4 THE DEFENDANT: It is.

5 THE COURT: Can you confirm that, Mr. Weinstein?

6 MR. WEINSTEIN: Yes, we certainly did discuss that. I
7 will say that I had not expected this order from your Honor.
8 If there had been a change in the law since October 21st, in
9 the last approximately week, that benefits Mr. Jain, and would
10 possibly allow the renewal of his motions, and lead to the
11 dismissal of the indictment, if there had been a change in the
12 law that would bring that about, I would have to look at that.

13 THE COURT: Well, Mr. Weinstein, I place no
14 restrictions on anyone coming into this courtroom. If you'd
15 like to adjourn the plea, you can. I don't become the
16 guarantor of your job.

17 MR. WEINSTEIN: Of course.

18 THE COURT: I have not read any slip opinions bearing
19 on remedies for Brady violations, I can't help you with that,
20 but would you like an adjournment? My only fear is if I give
21 you the adjournment, won't you need an adjournment today of the
22 adjourned date to see whether there were any since you walked
23 into court?

24 MR. WEINSTEIN: Oh, no, it's not that. Your Honor
25 identified the passage of a new law --

KARKJAIP

1 THE COURT: Yes.

2 MR. WEINSTEIN: -- six days ago.

3 THE COURT: Yes. So would you like an adjournment? I
4 told you what the law is, but you're welcome to have an
5 adjournment. I don't give you a guarantee. It's an amendment
6 to Rule 5, and as I told you, it's an amendment that requires
7 written and oral notice to defendants and to the government of
8 the government's obligations under Brady and its progeny.
9 That's my understanding of what Rule 5 is.

10 Why don't we adjourn. Look, you can come back in a
11 couple of hours, you can come back tomorrow, go look at the
12 law. I don't issue guarantees, sir.

13 MR. WEINSTEIN: And I understand completely. I think
14 15 minutes might do it.

15 THE COURT: That's fine.

16 MR. WEINSTEIN: I want to make sure it's not
17 retroactive, and I want to take --

18 THE COURT: Well, it's effective immediately; it
19 applies to this case. It applies to this case.

20 MR. WEINSTEIN: Right. And it appears --

21 THE COURT: So if you want to call that retroactive,
22 it applies to it. It doesn't require the Court to do something
23 at a past time.

24 MR. WEINSTEIN: Right.

25 THE COURT: It is effective and applies to this case.

KARKJAIP

1 MR. WEINSTEIN: May I respectfully have 15 minutes --

2 THE COURT: Absolutely.

3 MR. WEINSTEIN: -- to take a look at this? Thank you
4 very much.

5 THE COURT: All right.

6 MR. WEINSTEIN: We're going to step out.

7 THE DEPUTY CLERK: Do you want to go into the jury
8 room?

9 MR. WEINSTEIN: Yes, that would be wonderful. Thank
10 you.

11 (Recess)

12 THE COURT: Mr. Weinstein, have you had an opportunity
13 to examine the statute, review it, discuss it with your client?

14 MR. WEINSTEIN: Yes.

15 THE COURT: What, if anything, would you like to do
16 today? Would you like an adjournment? What would you like?

17 MR. WEINSTEIN: No, your Honor. My understanding is
18 that we're prepared to continue, and I thank you, your Honor,
19 for the adjournment and for the copy of the new section, and
20 we've also reviewed your Honor's order. Thank you very much.

21 THE COURT: All right.

22 Mr. Jain, you recall what I told you a few moments ago
23 about giving up your right to challenge, among other things,
24 any failure by the government to produce Brady or Giglio
25 materials, or any impairment of your right to select counsel,

1 KARKJAIP

2 your right to a speedy trial, your right to due process of law,
3 and you understand by pleading guilty, you give up your right
to continue that challenge?

4 THE DEFENDANT: I do, your Honor.

5 THE COURT: And you still wish to plead guilty?

6 THE DEFENDANT: I do.

7 THE COURT: All right.

8 If you proceeded to trial and were found guilty, not
9 only would you be able to appeal the finding of guilt, but you
10 could also appeal all of these pretrial rulings. Do you
11 understand that?

12 THE DEFENDANT: I do.

13 THE COURT: And you understand you're giving up those
14 rights?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: Now, those are the rights you would have
17 if you went to trial. If I accept a plea of guilty from you,
18 there will be no trial. You will proceed to the sentencing
19 phase in which the Court will determine the punishment to be
20 imposed on you. Even now, you have the right to change your
21 mind, and instead of pleading guilty, you may plead not guilty
22 and go to trial.

23 Do you wish to plead not guilty and go to trial?

24 THE DEFENDANT: I do not.

25 THE COURT: Do you understand that Count Four of the

1 KARKJAIP

2 indictment charges you with obstruction of justice on or about
3 January 26, 2018, in connection with providing false sworn
testimony in an official proceeding before the SEC?

4 THE DEFENDANT: I do.

5 THE COURT: Do you understand that Count Four carries
6 a maximum sentence of imprisonment of 20 years, a maximum term
7 of supervised release of three years, a maximum fine of
8 \$250,000, and a mandatory \$100 special assessment?

9 Do you understand all that?

10 THE DEFENDANT: I do.

11 THE COURT: Now, with regard to supervised release,
12 there are terms and conditions attached to it, and if you do
13 not live up to those terms and conditions, you can be returned
14 to prison for the full period of supervised release. So, say,
15 you receive a prison term to be followed by a period of three
16 years' supervised release, and you live up to the terms of
17 supervised release for two years, but then you violate one of
18 the terms, you can be returned to prison for a full period of
19 three years.

20 Do you understand that?

21 THE DEFENDANT: I do.

22 THE COURT: Are you a United States citizen?

23 THE DEFENDANT: I am, your Honor.

24 THE COURT: Among the consequences of pleading guilty
25 are that you give up valuable civil rights, such as the right

KARKJAIP

1 to vote, to hold public office, to possess a firearm, to serve
2 on a jury, to hold certain other licenses, and to receive
3 certain government benefits.

4 Do you understand all that?

5 THE DEFENDANT: I do.

6 THE COURT: Are you serving any other sentence, state
7 or federal, or being prosecuted in any other court for any
8 other crime?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: In sentencing you, I will receive a
11 presentence report prepared by the office of probation that
12 gives me background information and a recommended range of
13 sentence under the sentencing guidelines. After hearing from
14 the government and from your lawyer, I will make my own
15 determination of the correct guideline range that applies in
16 your case. Even after determining the correct guideline range,
17 I need not follow it, and can sentence you all the way up to
18 the statutory maximum. The guidelines are advisory, and they
19 are one of the factors that the Court takes account of under a
20 sentencing statute commonly known as Section 3553(a).

21 Do you understand all of that?

22 THE DEFENDANT: I do, your Honor.

23 THE COURT: Now, I understand there's been a plea
24 agreement entered into between you and the government. Is that
25 correct?

KARKJAIP

1 THE DEFENDANT: That is correct.

2 THE COURT: I have before me a five-page letter
3 agreement on the letterhead of the U.S. Department of Justice,
4 dated October 7, 2020, addressed to Paul Weinstein, and bearing
5 what may be your signature on the last page.

6 I'd ask the deputy to place that document in front of
7 you. Take a look at it, Mr. Jain.

8 Is that your agreement with the government?

9 THE DEFENDANT: I do think it is.

10 THE COURT: Well, take a look to see whether that's
11 your signature on the last page.

12 THE DEFENDANT: It is.

13 THE COURT: So is that your plea agreement with the
14 government?

15 THE DEFENDANT: It is, your Honor, yes.

16 THE COURT: Did you read it before you signed it?

17 THE DEFENDANT: I did.

18 THE COURT: Did you ask Mr. Weinstein questions about
19 it before you signed it?

20 THE DEFENDANT: I did.

21 THE COURT: Did he answer those questions to your
22 satisfaction?

23 THE DEFENDANT: He did.

24 THE COURT: Did you understand the plea agreement
25 before you signed it?

KARKJAIP

1 THE DEFENDANT: I did.

2 THE COURT: Did anyone threaten you or force you in
3 any way to enter into the plea agreement or to plead guilty?

4 THE DEFENDANT: No.

5 THE COURT: Has anyone promised you anything or given
6 you anything of value in order to get you to enter into the
7 plea agreement or to plead guilty?

8 THE DEFENDANT: No.

9 THE COURT: Does the plea agreement contain all of
10 your understandings with the government?

11 THE DEFENDANT: It does.

12 THE COURT: I want you to know, Mr. Jain, that any
13 prediction, calculation, or estimate that anyone has made to
14 you as to what sentence I might give you is not binding on me,
15 not binding on the Court, and if it turns out to be wrong, you
16 will not be permitted to withdraw your guilty plea.

17 Do you understand all that?

18 THE DEFENDANT: I do.

19 THE COURT: Now, one of the features of your plea
20 agreement is that you and the government have agreed on a
21 stipulated guideline range that applies in your case, and that
22 stipulated guidelines range is ten to sixteen months'
23 imprisonment.

24 Is that correct?

25 THE DEFENDANT: Yes, your Honor.

KARKJAIP

1 THE COURT: That agreement is binding on you, and it's
2 binding on the government, but, as I told you before, I have my
3 own obligation to determine the correct guideline range in your
4 case.

5 One of the features of your agreement with the
6 government is that if I should sentence you within the
7 stipulated guidelines ranges – that is, within the stipulated
8 guideline range of ten to sixteen months' imprisonment – the
9 government has agreed not to appeal, they have agreed not to
10 appeal if I sentence you within that range or above that range.

11 Do you understand that?

12 THE DEFENDANT: I do.

13 THE COURT: And you have agreed that if I sentence you
14 within the stipulated guideline range of ten to sixteen months'
15 imprisonment or below that range, you will not appeal or
16 collaterally attack the sentence.

17 Is that correct, sir?

18 THE DEFENDANT: That is correct.

19 THE COURT: You have waived your right to appeal or
20 attack the sentence unless the sentence is above the stipulated
21 guideline range in the plea agreement, and, in that event, the
22 law will only allow you to appeal on the basis that the
23 sentence is unreasonable or contrary to law.

24 Do you understand all that?

25 THE DEFENDANT: I do.

KARKJAIP

1 THE COURT: All right.

2 Let me hear from the government. I'm going to ask the
3 government to lay out, first of all, the elements of the crime
4 and what, in summary, would be the government's evidence if the
5 case proceeded to trial. This is with regard to Count Four,
6 the count to which Mr. Jain has offered to plead guilty.

7 MS. LA MORTE: Yes, your Honor.

8 The elements of Count Four that the government would
9 have to prove beyond a reasonable doubt are as follows: First,
10 an official proceeding was pending, was about to be instituted,
11 or was reasonably foreseeable to the defendant;

12 Second, that the defendant obstructed, influenced, or
13 impeded that official proceeding or attempted to do so;

14 And, third, that the defendant acted corruptly. The
15 government would have to prove each of those beyond a
16 reasonable doubt.

17 In addition, the government would have to prove venue
18 in the Southern District of New York by a preponderance of the
19 evidence.

20 If the government were to proceed to trial, its proof
21 would consist of the following: Documents and witness
22 testimony confirming the falsity of the defendant's testimony
23 to the SEC regarding documents put in front of him; the
24 defendant's deposition transcript itself, reflecting his
25 deposition testimony with respect to the SEC; and testimony

KARKJAIP

1 regarding materiality of his false answers in the context of
2 the SEC's investigation.

3 And in addition, the government would put forward
4 evidence that the deposition happened in the Southern District
5 of New York.

6 THE COURT: All right.

7 Mr. Jain, please tell me, in your own words, what you
8 did that leads you to believe that you are guilty of the crime
9 charged in Count Four of the indictment.

10 THE DEFENDANT: Sure, your Honor.

11 On January 26, 2018, in an SEC deposition in
12 Manhattan, I was asked whether I knew a document dated
13 approximately December 2012, which had been received by Aberon
14 from a third party and which listed the value given by the
15 third party for Aberon Assets had been doctored, and I answered
16 no, when I knew the document listing the Aberon Assets had been
17 changed from how it appeared when it was received by Aberon
18 from the third party to increase the value that appeared to be
19 assets held by Aberon. I made this statement in my deposition
20 knowing that the response I gave was inaccurate.

21 THE COURT: All right.

22 Mr. Jain, is that, in fact, what happened?

23 THE DEFENDANT: That is, in fact, what happened, your
24 Honor.

25 THE COURT: All right.

KARKJAIP

1 Does the government agree there's a sufficient factual
2 predicate for a plea of guilty in this case?

3 MS. LA MORTE: Yes, your Honor.

4 THE COURT: Mr. Weinstein, do you agree there's a
5 sufficient factual predicate?

6 MR. WEINSTEIN: Yes, your Honor.

7 THE COURT: Are you aware of any defense that would
8 likely prevail at trial or any other reason why your client
9 should not be permitted to plead guilty?

10 MR. WEINSTEIN: No, your Honor.

11 THE COURT: All right.

12 Mr. Jain, with regard to Count Four of the indictment,
13 how do you plead, guilty or not guilty?

14 THE DEFENDANT: I plead guilty, your Honor.

15 THE COURT: Based upon your responses to my questions
16 and my observations of your demeanor, I find that you know your
17 rights, you know the consequences of pleading guilty, and
18 there's a factual basis for your plea of guilty. Your plea of
19 guilty is accepted.

20 Further, I find that your plea agreement was
21 knowingly, intelligently, and voluntarily entered into, and, in
22 particular, you know, understand, and appreciate the waiver of
23 your right to appeal or collaterally attack a sentence under
24 specified circumstances. Your plea of guilty to Count Four is
25 accepted.

KARKJAIP

I will order a presentence investigation and report and direct that no interview of you take place unless your counsel is present. It's important that you be truthful, candid, honest with the people who prepare the presentence report, tell them the good things, and tell them the not so good things. The report will be important in my decision on sentencing. Before the day of sentencing, you will have the opportunity to review that report. I urge you to do so carefully. If there are any mistakes, point them out to Mr. Weinstein, so he can point them out to me.

Sentencing in this case is set for January 6, 2021, at 3:00 p.m., and bail will continue until then.

Anything further from the government?

MS. LA MORTE: No, your Honor. Thank you.

THE COURT: Anything further from the defendant?

MR. WEINSTEIN: No, your Honor. Thank you very much.

THE COURT: All right. Thank you, all, very much. We are adjourned.

* * *